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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,624	12/27/2001	Naoki Tsunoda	217548US2	9054

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EXAMINER	
DURNFORD GESZVAIN, DILLON	
ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/026,624	TSUNODA, NAOKI	
	Examiner	Art Unit	
	Dillon Durnford-Geszvain	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities: applicant uses <IMAGPASTE> in some sections and appears to use <PASTEIMAGE> in other places when referring to the same thing. For example on page 4 line 18 <IMAGEPASTE> is mentioned but on page 11 line 7 it uses <PASTEIMAGE ...>. Some instance of this occurs on the following pages as well; Page 12, Page 13, Page 17, Page 18, Page 19, Page 29 and in Fig 2. If these are both referring to the same thing please correct the incorrect instances and make sure that one consistent case is used throughout the specification and figures so that confusion can be avoided.

On page 5 line 5 "six aspect" should be --sixth aspect--.

On page 9 line 3 and line 6 "a CFI/F" should be --a CF I/F--.

On page 9 line 12 "system files nad data file," should be --system files and data files,--.

On page 9 line 22 "PC**, the** CARD" should be --PC CARD--.

On Page 9 line 24 "from the PC 120." should be --from the PC 200--.

On page 14 line 24 "located directory" should be --located **in** directory--.

On page 22 line 18 "or USBI/F control" should be --or USB I/F control--.

On page 25 line 11 "relation file attached" should be --relation file **is** attached--.

On page 29 line 25 "six aspect" should be --sixth aspect--.

Acronyms such as CF, ATA and the like should be defined the first time they are used in the specification. For example, on page 9 line 3 the applicant wrote "a CF I/F 116". This could be changed to --a compact flash I/F 116 (hereinafter compact flash will be referred to as CF)--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims **1-10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim **1**, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim **1** is rejected because the applicant claims "taking out the HTML document file through a **media and communication, or the like**". As written it appears that the

camera transmits an HTML file through a media (such as air, water, a transmission line or the like) and through a communication (defined as, the act of communicating or a message; this is not something which a file may be transmitted through). Therefore the claim is indefinite as it fails to particularly point out and distinctly claim the invention.

Claims **2-10** are rejected as being indefinite because they are dependent upon a claim that was rejected under 35 U.S.C. 112, second paragraph, as being indefinite; and are therefore indefinite.

Claim **3** recites the limitation "of <IMAGEPASTE> tag" in --line 17--. There is insufficient antecedent basis for this limitation in the claim.

Claim **4** recites the limitation "to <IMAGEPASTE> tag" in --line 22--. There is insufficient antecedent basis for this limitation in the claim.

Claims **3** and **4** make reference to <IMG SRC ...> and <IMAGEPASTE> tags, however it is not clear which, if either, of these tags is the exclusively used tag disclosed in claim **1**, which these claims are dependent upon.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims **1** and **3-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,223,190 (Aihara et al.) in view of US 6,035,323 (Narayen et al.).

As to claim **1** Aihara et al. teaches a digital camera device 110 which has a function for creating an HTML document file from a picked-up image (Column 8 lines 33-37) and for taking out the HTML document file through a media and communication or the like (Column 13 lines 37-41), further comprising: a unit which preliminarily registers a template in HTML format for creating an HTML file in the digital camera device (Column 3 lines 9-13); a unit which uses a tag exclusively used for inserting file of a picked-up image (Column 7 lines 22-25); a unit which automatically generates HTML codes inserting the image file in accordance with said tag (Column 7 lines 42-43); a unit which, each time HTML file created, automatically forms a new directory to register the HTML file therein (Column 7 lines 22-25); a unit which, each time a picked-up image is linked to an HTML file, therein; a unit which references the image in the HTML file (Column 7 lines 22-25).

What Aihara et al. does not teach is creating a thumbnail for referencing the image from the HTML file. However, Narayen et al. teaches using lower resolution images stored in a database with links to the original image as a means of referencing the images from a homepage or the like (Column 6 lines 56-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used thumbnails as the means for referencing the original images from the HTML file created in the camera as this would allow the

"homepage" to have a smaller total size and would allow the images to be previewed before the full resolution image is accessed.

As to claim **3**, see the rejection of claim **1**, and note that what Aihara et al. and Narayen et al. teach has been discussed above. What neither teaches is the use of custom tags. However, the Examiner takes Official Notice that the use of custom tags was old and well known in the art at the time the invention was made. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a custom tag for inserting an image into an HTML file as taught by Aihara et al. in view of Narayen et al. as this would allow the tag to be customized to the specific application that it is currently being used in. For example, in the instant case the custom tag allows the camera to add specific information that the general tag would not be configured to add.

Note that the above rejection was made in light of the Examiners best understanding of the limitations in the claim.

As to claim **4**, see the rejection of claim **1**, and note that Aihara and Narayen have been discussed above. What neither teaches is automatically transferring operation to an exclusively used tag from a general use tag. However, the Examiner takes Official Notice that the use of Custom tags was old and well known in the art at the time the invention was made. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used an exclusive tag

to link to the images from the HTML file as this would allow specific information to be associated with the image according to what template was being run which would allow the templates to be tailored to specific uses such as for use by a real estate agent or insurance adjustor and would attach different information for each use.

Note that the above rejection was made in light of the Examiners best understanding of the limitations in the claim.

As to claim **5**, see the rejection of claim **1** and note that Aihara and Narayen have been discussed above. Aihara et al. further teaches a unit which displays the HTML document drafting template registered in the digital camera device by using a dummy image file (see Fig. 6B note the name "Script XYZ" is displayed as the template wchich is registered in the camera). As to "a unit which resets the exclusively-used tag section while displaying the HTML document drafting template" If one changes the template which is being used this would necessarily change the exclusively used tag which is defined by the template. Therefore this feature is inherent.

Note that the above rejection was made in light of the Examiners best understanding of the limitation in the claim.

As to claim **6**, see the rejection of claim **1** and note that the Examiner takes official notice that the process of converting portions of an HTML code that one does not wish to use to comments and vice versa is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was

made to have used the CPU 344 of Aihara et al. to perform this "editing" function on the template taught by Aihara et al. in view of Narayen et al. as this would be an efficient way to add or subtract features from the template without having to load an entirely new template.

As to claim **7**, see the rejection of claim **1** and note that Narayen et al. further teaches a digital camera device which each time a picked-up image is linked to an HTML document, displays the size of the image file thus linked (Column 14 lines 18-28). As to displaying the total size of image files that have been linked before, this would have been considered by Narayen et al. as it is common to display the total size of a file or transfer so as to alert the user of the size of the impending transfer.

As for a unit that enables to connect or disconnect the link of the original picked-up image to or from an image with a thumb-nail size on HTML document, Narayen et al. would have considered allowing the user to edit albums that have already been published by severing links, erasing thumbnails, or adding links. This would amount to simply the ability to edit the album later if the user forgot a picture or accidentally put the wrong picture in it.

As to claim **8**, see the rejection of claim **1** and note that as discussed above Narayen et al. would have considered allowing the user to edit n album after it has been published and would also have considered showing the total file size of the album as the user may have to keep the album under a certain limit or may pay by the size of the

album and therefore would like to know how large it is.

Narayen also teaches a unit which, after forming an HTML document, reduces the size of the original picked-up image in a uniformed manner to a desired size (Column 9 lines 46-47).

As to claim **9**, see the rejection of claim **1** and note that Aihara et al. further teaches associating sound files with captured images Column 7 lines 2-3). Therefore, Aihara et al. would have considered a unit which, each time a picked-up image is linked to an HTML document, determines as to whether or not there is a sound relation file attached to that image; a unit which, if there is any sound relation file, displays an icon indicating the existence of the sound relation file attached to the picked up image linked to the HTML document; and a unit which links the sound relation file to the display icon.

Note that displaying an icon indicating the existence of a sound file and linking that icon to the sound file are old and well known and therefore would have been considered by Aihara et al. as a means to communicate to a user that a sound file exists and a method for accessing that sound file and playing it.

As to claim **10**, see the rejection of claim **1** and note that Aihara et al. further teaches a unit which downloads a template file in HTML format from a predetermine home page on the Internet (Column 9 lines 40-42), by using a communication card including a modem and an ISDN card (Column 1`3 lines 52-56); and a unit which registers the template file in HTML format that has been downloaded (this feature is

inherent in Aihara et al. as the script has a name and is recorded in memory and is accessible using the controls of the digital camera).

6. Claim **2** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,223,190 (Aihara et al.) in view of US 6,035,323 (Narayen et al.) as applkied to claim **1** above, and further in view of US 6,930,709 (Creamer et al.).

See the rejection of claim **1** and note that what Aihara et al. and Narayen et al. teach has been discussed above. What neither teaches is an automatic naming convention in which the camera creates directories in accordance with DCF standard. However, Creamer et al. teaches a digital camera which is used to upload pictures to a webpage and which can automatically name pictures in accordance with a standard (Column 13 lines 9-13). Creamer et al. further teaches creating thumbnails for referencing the images and naming them with an automatic naming convention (Column 13 lines 58-66). As DCF is a standard naming and directory creation convention, Creamer et al. would have considered using DCF as the particular naming convention and directory creating standard which was to be used in the digital camera taught by Creamer et al.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the naming and directory creation method taught by Creamer et al. to the digital camera taught by Aihara et al in view of Narayen et al. as this would allow for a predictable method for naming images and organizing them in a

particular way which is advantageous because the user doesn't have to worry about whether they are using proper names.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,567,122 (Anderon et al.) teaches a system and method for hosting a web site on a digital camera for the purpose of providing a camera which can be remotely accessed over the familiar interface of the internet. US 6,571,271 (Savitsky et al.) teaches a device that automatically creates an HTML file containing references to images taken by a digital imaging device and loaded onto the device via a memory card or the like. US 6,779,153 (Kagle) teaches creating a web page using a handheld device such as a digital camera or PDA by using an HTML template.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dillon Durnford-Geszvain whose telephone number is (571) 272-2829. The examiner can normally be reached on Monday through Friday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dillon Durnford-Geszvain 9/26/2005

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EXAMINER